

City of Killeen
Special City Council Meeting
July 19, 2002
Killeen City Hall
11:00 a.m.

Presiding: Mayor Maureen J. Jouett

Attending: Mayor Pro-Tem Kathy Gilmore and Councilmembers Scott Cosper, Sara Flores, Timothy Hancock, Gary Purser, and Dick Young

Absent: Ernest Wilkerson

Also attending were Deputy City Manager Dave Hall for City Manager David Blackburn, City Attorney Mary Kay Fischer, Public Works Director Bruce Butscher and Pamela Smith for City Secretary Paula Miller

Approval of Agenda

Councilmember Young moved to approve the agenda as written, seconded by Councilmember Cosper. The motion was unanimously approved.

Agenda Items

SP-1 Consider a memorandum/resolution authorizing an amendment to the City/Owner Agreement with W&B Development, Ltd. for extension of W.S. Young Drive.

Mayor Jouett called on Mr. Hall for an update.

Mr. Hall advised that the update to the agreement previously provided to Council had not changed substantively, and included some grammatical changes and the reinsertion of paragraph 9, Right to Terminate, as was in the original agreement. City Council and counsel for the developer agreed to reinstate that paragraph as additional protection for both parties should costs of the actual plan exceed the costs as estimated at this point. It makes no changes in the costs as was provided in Exhibit B. Additionally, changes to the maps were made, to include highlighting the project area, being Saegert Ranch Project; and the title at the bottom of the page was changed from Project Cost Breakdown to Participation Cost Breakdown.

Mr. Hall continued, stating that pursuant to the last meeting, Council authorized renegotiation of the agreement with the developer. Under some general terms of Plan B that was discussed, no change was made to the first 1041 feet and the culvert piece; it did however, change from going down the west side, to the east side with plan B. That agreement has been renegotiated with the developer and their counsel and that agreement is ready for discussion.

Councilmember Young inquired of the costs and of a city ordinance that requires the developer will acquire all adjoining property owner's written consent for acceptance of runoff water. He pointed out that it appears Mr. Emmons, who is the adjoining property owner, has not given permission. He asked how this plat was submitted for approval if it didn't contain all the necessary items that go with the city ordinance.

Mr. Hall responded that in Plan A, none of the water was to be deflected to Mr. Emmons' property.

Public Works Director Bruce Butscher stated the Saegert Ranch Phase I plat that was indicated included a Conditional Letter Of Map Revision. All the drainage coming from Saegert Ranch Phase I was going to be directed to the drainage structure that was going to be covered in the CLOMR which is through FEMA. Therefore, letters of acceptance were not required, because no one was going to get any water from the Saegert Ranch Phase I tract.

When asked if not having the property owner's agreement is going to significantly alter the cost of the drainage features, Mr. Butscher responded that the estimate that has been made for the drainage is associated with not increasing the runoff to the south. The estimate is made to take all the drainage to the north so it wouldn't increase the runoff to the south. Mr. Butscher commented that the negotiation is for the location of this road on a portion of the owners property that has not yet been platted. Negotiations have produced Plan B and the part of the road that is not on platted property. To go from Plan A to Plan B, the property would have to be replatted before building on this property. At that point in time, the discussion about off-site drainage or anything else that pertains to this piece of property would take place. Mr. Butscher commented that if there is water that is going onto adjacent property owners, it will have to be dealt with satisfactorily before recommendation to take the plat to P&Z. Mr. Butscher confirmed that the City will continue to require all the necessary submittals when the property is replatted.

When asked, Mr. Butscher restated that if runoff caused a problem that is not there now, the developer would have to mitigate that problem.

Mr. Bruce Whitis stated that no more water will go through the culvert than there is today.

Mr. Butscher clarified that the CLOMR will be predicated on not increasing the runoff from the Saegert Ranch Development. Any increase in runoff because of the project will be contained on the project, then, there won't be any increase in rise either up or down stream; any change or retention will be done in the project or on the project and that's what the CLOMR will say. Other than the culvert, it will be the developer's expense to shape the land. When finished, the developer has to have a Registered Professional Engineer certify that the improvements that have been made are in accordance with what the CLOMR said need to be happening. When the engineer provides that certification, then it gets sent in for a LOMR, which is Letter of Map Revision and the Flood Map gets changed to reflect the changes that are happening. This is how it is suppose to happen, to prevent adverse effects.

He also stated that we need to know the CLOMR is being worked on, and a commitment from the developer that the CLOMR has been submitted and this development will meet the requirements of the CLOMR, whatever that is.

When recognized by the Council, Mr. Whitis interjected that the CLOMR has been submitted to FEMA, and to his knowledge this is the only residential development in Killeen that has done a CLOMR. He stated that every residential development done, does raise the stream, downstream; this one will not.

Councilmember Hancock asked about the effects on the other property owner's properties, the effects that the developer's property is going to cost to himself, or if we go with Plan B, is that going to cause some problems with the other owner's property? He then restated the question to ask, is it feasible to get W.S. Young and Featherline to align, and can this be done with the information the Council now has? He then asked what length of time is anticipated for completion of extension of W.S. Young.

Councilmember Gilmore pointed out the different proposed plans and concluded, saying all streets should have drainage.

Councilmember Hancock asked if the council changed the Thoroughfare Plan during the time that the council agreed to extend W.S. Young from Elms Road over to Stan Schlueter Loop, and again when entering into an agreement to have W.S. Young go from there up to Stagecoach Road?

Mayor Jouett asked City Attorney Fischer if, when we annexed property, if defacto changes have been made to the Thoroughfare Plan?

Councilmember Hancock commented that the plan submitted (for annexation) showed W.S. Young going a different route, and council approved that plan. It was Mr. Hancock's opinion that the Council actions altered the Thoroughfare Plan. He suggested that the Thoroughfare Plan has been adjusted by Council actions on other issues.

Councilmember Purser reviewed the costs of the different proposed plans.

Councilmember Gilmore moved to go back to Plan A [Resolution 02-64R]. Councilmember Purser seconded the motion. With no further discussion, Mayor Jouett called for a vote. The motion carried 4 to 2 with Councilmembers Young and Cosper in opposition.

SP-2 Discuss – Barrett Case

Mayor Jouett welcomed Mr. and Mrs. Barrett and thanked them for meeting with the Council.

Mayor Jouett asked Councilmember Cosper to open up discussion. Councilmember Cosper stated that he had previously met with Mr. & Mrs. Barrett about a storm drain the city had constructed on the Barrett's property. After an unsuccessful meeting with city staff, Mr. & Mrs. Barrett were invited to address full Council at a preset meeting to work out an agreement.

City Attorney Fischer asked to speak to Council privately prior to the discussion. She advised that Mr. & Mrs. Barrett are the ones in litigation, and if they choose to discuss the issues, the city can do that. She further stated the city would like to reach an agreement and needs to maintain the structure so it continues to serve its purpose. She stated the city is also willing to purchase the structure.

Mr. Barrett addressed the City Council and presented a document delivered to him by city staff and photos taken of his property. Mr. Barrett expressed his dissatisfaction with the city regarding a drainage structure built on his property without permission.

Mayor Jouett asked Mr. Barrett what could be done to reach an agreement.

The Council discussed the issues with Mr. & Mrs. Barrett, and Mr. Barrett made suggestions of what would remedy the disagreement.

The Mayor called a closed meeting of the City Council at 12:36 p.m. under the authority of Section 551.071 – Consult with Attorney – Pending or Contemplated Litigation. The City Council discussed a matter related to the Barrett Case of contemplated litigation with regard to that process. Public discussion of the matter would not be in the best interest of the City. The City Council completed its closed meeting at 12:51 p.m.

Mayor Jouett advised the Council will go through the items requested to be part of the agreement by Mr. & Mrs. Barrett. Ms. Gilmore wrote each of the items down, and both parties signed when done. A copy of the list is attached as an exhibit and a copy was provided to Mr. & Mrs. Barrett.

Mayor Jouett offered an apology to Mr. & Mrs. Barrett from herself and the Council for the trouble that has occurred over this.

Adjournment

There being no further business, upon motion being made by Councilmember Hancock, seconded by Councilmember Young, and unanimously approved, the meeting was adjourned at 1:15 p.m.

Maureen J. Jouett, Mayor

Pamela Smith, Planning Specialist